

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DAWN GUARINO GEDEON	) CASE NO. 4:22-cv-00441
	)
Plaintiff	) JUDGE BENITA Y. PEARSON
	)
vs.	) <b><u>PLAINTIFF'S RESPONSE TO</u></b>
	) <b><u>DEFENDANTS' "NOTICE OF</u></b>
MICHELLE NICOLE FRENCHKO, et al.	) <b><u>DISCOVERY DISPUTE REGARDING</u></b>
	) <b><u>COUNSELING RECORDS AND CELL</u></b>
Defendants.	) <b><u>PHONE SEARCH"</u></b>

Now comes counsel for Plaintiff, Dawn Gedeon" and responds to defense counsel's "Notice of Discovery Dispute Regarding Plaintiff's Counseling Records and Cell Phone Search." First, counsel for Plaintiff is not aware of any reason why Plaintiff's psychological counseling provider has allegedly not responded to Defendants' subpoena for records. Counsel for Plaintiff has previously provided counsel for Defendants with copies of records of Plaintiff's counseling treatment and is updating said production as records become available. Counsel for Defendants has apparently served a subpoena on the mental health provider and now alleges that that mental health provider is not responding to said subpoena. The undersigned counsel has no information as to whether or not the subpoena was properly served and/or why said counselor is allegedly not responding.

Secondly, counsel for Plaintiff has repeatedly advised counsel for Defendants that it will comply with an ESI search of Plaintiff's cell phone under certain circumstances as conducted by Defendants' ESI vendor. Counsel for Plaintiff has indicated that Plaintiff's cell phone will be made available to Defendants' ESI vendor if necessary to perform a key word search to satisfy whatever concerns counsel for Defendants has regarding the adequacy of Plaintiff's search of said

cell phone. Counsel for Plaintiff will comply with any such reasonable request to involve Defendants' ESI vendor in such search.

Respectfully submitted,

*/s/ Dennis R. Fogarty*  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the Court on April 3, 2023. Notice of this filing will be sent by operation of the Court's case management and electronic case filing system. Parties may access this filing through the Court's case management and electronic case filing system.

*/s/ Dennis R. Fogarty*  
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